

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JULIUS CARTER ANDERSON,

Plaintiff, No. CIV-03-0817 MCE KJM P

VS.

W. HARTLEY, et al.,

Defendants. **FINDINGS AND RECOMMENDATIONS**

On September 11, 2007, the court ordered plaintiff to file an opposition to motion for summary judgment within thirty days. Plaintiff was warned that failure to file an opposition within thirty days would result in a recommendation that this action be dismissed pursuant to Federal Rule of Civil Procedure 41(b). Plaintiff has not filed an opposition to defendants' motion for summary judgment.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed.

22 These findings and recommendations are submitted to the United States District  
23 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty  
24 days after being served with these findings and recommendations, any party may file written  
25 objections with the court and serve a copy on all parties. Such a document should be captioned  
26 "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections

1 shall be served and filed within ten days after service of the objections. The parties are advised  
2 that failure to file objections within the specified time may waive the right to appeal the District  
3 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

4 DATED: November 1, 2007.

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6 U.S. MAGISTRATE JUDGE

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